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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,119	03/08/2005	Marco Van As	NL 020906	3180
24737	7590	05/19/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			RO, BENTSU	
P.O. BOX 3001			ART UNIT	
BRIARCLIFF MANOR, NY 10510			PAPER NUMBER	
			2837	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,119	<b>Applicant(s)</b> VAN AS ET AL.	
	<b>Examiner</b> Bentsu Ro	<b>Art Unit</b> 2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 9, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/13/06</u> . | 6) <input type="checkbox"/> Other: _____  |

**FINAL REJECTION**

1. The drawings filed on 4 April 2006 are informal. Applicant should note that the formal drawings must be submitted before the application can be allowed.
2. Claims 1-6, 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hans US Patent No. 5,317,241. (Same reference as that of the first office action.)

With the amendment, claims still read onto Hans teaching as follows:

The claims:	Hans teaching:
<p>1. (Currently Amended) A rotating data carrier,</p> <p>which can be processed in an apparatus having a motor for rotating the carrier</p> <p>and an angle measuring device for providing angular position of a rotary part of the motor,</p> <p>the angular position being used for commutation of the motor,</p>	<p>Fig. 1 shows a rotary drive for a data carrier, see title;</p> <p>the rotary drive includes a motor 1 for rotating a data carrier 10;</p> <p>Fig. 1 shows a read head 16 and a storage track 15;</p> <p>the head 16 reads the control signal on the track 15;</p> <p>the control signal on the track 15 is the angular position information of the motor rotor, see column 3, lines 34-36;</p> <p>thus, the <u>"angle measuring device"</u> reads onto the read head 16 and the <u>"rotary part of the motor"</u> reads onto the rotor of the motor;</p> <p>the motor 1 is a brushless dc motor, see column 1, line 9;</p> <p>the brushless motor requires commutation, the time for commutation depends on the rotor angular position;</p> <p>Fig. 1 further shows a commutation control circuit unit 13 for control the commutation of the brushless dc motor 1;</p>

<p>wherein marks are placed on the carrier for determining the angular position by the measuring device,</p> <p>the marks being at least one of</p> <p>continuous from a center of the carrier to a periphery of the carrier,</p> <p>located at an edge of the carrier,</p> <p>located at a periphery of the carrier,</p> <p>and notches.</p>	<p>the track 15 contains marks, the marks relate to rotor angular position information; the head 16 reads the rotor angular position information on the marks;</p> <p>this is a multiple choice of several different structures, however, to meet the requirement only one structure is needed;</p> <p>Hans does not teach this structure;</p> <p>Hans teaches this structure; as clearly shown in Fig. 1, the storage track 15 is located at the edge of the data carrier 10;</p> <p>the track 15 is also located at a periphery of the carrier;</p> <p>Hans does not teach the notches;</p> <p>because Hans at least teaches the marks 15 being located at the edge of the data carrier 10, thus, the claimed limitation is met.</p>
<p>2. (Currently Amended) The data carrier as claimed in claim 1, wherein the marks are formed by, at least, a zone placed on the carrier.</p>	<p>the marks of tracks 15 are formed in a zone of circle around the edge of the data carrier 10.</p>
<p>3. (Currently Amended) The data carrier as claimed in claim 1, wherein the data carrier is an optical disc.</p>	<p>column 3, line 6 suggests the use of an optical device.</p>
<p>4. (Currently Amended) The data carrier as claimed in claim 1, wherein the marks have a rectangular form.</p>	<p>all lines have certain width and certain length, including the marks on the track 15; thus, all lines are in a rectangular form; applicant should note that, without width,</p>

	the marks simply cannot be read by the read head 16.
5. (Currently Amended) The data carrier as claimed in claim 1, wherein the marks have a sector form.	the marks have length, the length is a sector form.
6. (Currently Amended) The data carrier as claimed in claim 1, wherein the marks have a specific length with respect to data written on the carrier  and have a reflectivity which is substantially similar to reflectivity of the data.	the marks on the track 15 have a specific length, see Fig. 1;  the data read by the optical device is based on the different reflectivity of the marks and the back ground (no marks); the marks of data and the marks of the track 15 have the same reflectivity but different length.
11. (Currently Amended) An apparatus for processing data contained in the data carrier as claimed in claim 1, wherein the apparatus comprises the angle measuring device configured to provide the angular position using said marks.	the apparatus could read onto many data processing equipments, such as a computer data storage platter, see column 1, line17; the <u>"angle measuring device configured to provide the angular position using said marks"</u> is same as that of claim 1.
12. (Currently Amended).	A method claim similar to that of the device claim 1, further explanation is not needed.
13. (New).	Similar to that of claim 1.
14. (New).	Similar to either claim 4 or claim 5.
15. (New) The device of claim 13, wherein mark lengths of the marks are different from data lengths data written on	the marks length for the motor commutation are much longer than the data length because of the following

the data carrier.	reasons:  (1) the motor commutates several times per rotation cycle; thus, there are only several marks (at most 100) on the track 15; (2) the data are extremely packed in a bit form; (3) the data are read by several thousand bits per second (kbps) to several million bits per second (mbps);  in view of the foregoing reasons, the length of commutation marks and the length of data marks (bits) are different.
16, 17. (All New).	Similar to that of claim 6.

3. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's arguments have been fully considered but they are not convincing.

Basically applicant argues that Hans does not teach

*"the marks being at least one of continuous from a center of the carrier to a periphery of the carrier, located at an edge of the carrier, located at a periphery of the carrier, and notches"*

This argument is not convincing because the claimed language is claiming a multiple choice **"at least one of"** four different structures. Hans clearly teaches at least one of the structures (the marks on an edge of the carrier).

Art Unit: 2837

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

5/12/2006

  
Bentsu Ro  
Senior Examiner  
Art Unit 2837